

ENTERED

September 27, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISIONRICARDO GIL JR., *et al*,

Plaintiffs,

VS.

DE LAUNE DRILLING SERVICE, LTD,
et al,

Defendants.

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CIVIL ACTION NO. 2:16-CV-71

**ORDER GRANTING PLAINTIFFS' MOTION FOR PARTIAL
SUMMARY JUDGMENT ON THE DRILLING HANDS CLASS**

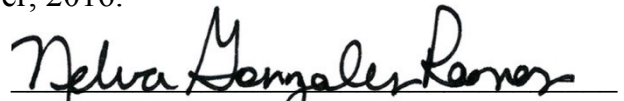
Plaintiffs filed this collective action seeking unpaid overtime under the Fair Labor Standards Act (FLSA). D.E. 1. Defendants, DeLaune Drilling Service Ltd., DeLaune Drilling Service Management Co., LLC, Bernie DeLaune, and Mark DeLaune pled that all Plaintiffs are exempt from the FLSA overtime requirements under the executive, administrative, highly compensated, or any other exemption found to apply. D.E. 20, p. 10. Plaintiffs who are members of the Drilling Hands class have filed their motion for partial summary judgment (D.E. 41) seeking a determination that they are not exempt from the FLSA's protections.

Defendants responded with a motion to strike (D.E. 52), arguing that the motion was premature and constituted an "end run" around the class certification issue by adjudicating substantive issues before potential plaintiffs were required to opt in. In its hearing on July 15, 2016, the Court denied the motion to strike and agreed to withhold decision until after the opt-in deadline. Since that time, Defendants have filed their

supplemental response (D.E. 75), in which they concede that they were mistaken in classifying the Drilling Hands as exempt, but claiming that the classification was not knowing, but was in good faith. Nothing in the motion requires any finding with respect to knowing or good faith conduct.

Consequently, the Court GRANTS the motion (D.E. 41) and ORDERS that the Plaintiff Drilling Hands class is not exempt from relief provided under the FLSA under any of its exemptions.

ORDERED this 27th day of September, 2016.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE